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12 Members*

13 *Admitted *pro hac vice*

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15 UNITED STATES DISTRICT COURT
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17 EASTERN DISTRICT OF CALIFORNIA
18
19 FRESNO DIVISION

20 HEATHER BOONE and ROXANNE
RIVERA, on behalf of themselves and all
others similarly situated

21 Plaintiffs,

22 v.

23 AMAZON.COM SERVICES, LLC,

24 Defendant.

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26 Case No. 1:21-cv-00241-ADA-BAM
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**JOINT STIPULATION AND CONTINUING
SCHEDULING CONFERENCE AND
DEADLINES FOR DEFENDANT'S MOTION
FOR CERTIFICATION OF INTERLOCUTORY
APPEAL**

1 Pursuant to Rules 143, 144, and 230 of the Local Rules of the United States District Court for
2 the Eastern District of California, Plaintiffs Heather Boone and Roxanne Rivera and Defendant
3 Amazon.com Services LLC (collectively, the “Parties”), by and through their undersigned counsel of
4 record, hereby stipulate and request as follows:

5 WHEREAS, the Court issued an order granting in part and denying in part Defendant’s Motion
6 to Dismiss. (Dkt. 39.)

7 WHEREAS, Defendant filed its Answer on April 11, 2022. (Dkt. 43.)

8 WHEREAS, the Parties have not yet commenced formal discovery.

9 WHEREAS, Defendant filed a Motion for Certification of Interlocutory Appeal under 28
10 U.S.C. § 1292(b) (“Motion”) on April 11, 2022. (Dkt. 44.)

11 WHEREAS, the initial scheduling conference is calendared for October 12, 2022. (Dkt. 49.)

12 WHEREAS, Plaintiffs’ deadline to file their opposition to the Motion is October 10, 2022.
13 (Dkt. 49.)

14 WHEREAS, Defendant’s deadline to file its reply in support of the Motion is October 24, 2022.
15 (Dkt. 49.)

16 WHEREAS, the Court declined to set a continued hearing date for the Motion. (Dkt. 49.)

17 WHEREAS, the Parties had agreed to mediate this action on September 8, 2022.

18 WHEREAS, the Parties need additional time to prepare for mediation and thus have
19 rescheduled mediation for December 21, 2022.

20 WHEREAS, the mediation may resolve this action in full.

21 WHEREAS, it would conserve the Court’s and the Parties’ time and resources to continue the
22 briefing and hearing of the Motion until after the Parties’ mediation.

23 WHEREAS, it also would conserve the Court’s and the Parties’ time and resources to continue
24 the scheduling conference until after the Parties’ mediation.

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1 THEREFORE, IT IS STIPULATED AND REQUESTED THAT, by and between the
2 undersigned counsel, and subject to the Court's approval: (1) the initial scheduling conference is
3 continued to January 24, 2023 at 8:30 AM before Magistrate Judge Barbara A. McAuliffe; (2) the
4 Parties shall file a Joint Scheduling Report one week prior to the conference; (3) Plaintiffs' deadline to
5 file their opposition to Defendant's Motion for Certification of Interlocutory Appeal is continued to
6 January 27, 2023; (4) Defendant's deadline to file its reply in support of its Motion for Certification of
7 Interlocutory Appeal is continued to February 10, 2023; and (5) all other motion and formal discovery
8 deadlines, including the deadline to serve initial disclosures, are continued until after the initial
9 scheduling conference on January 24 2023 at 8:30 AM and shall be addressed in the Parties' Joint
10 Scheduling Report.

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12 Dated: August 25, 2022

13 HODGES & FOTY, LLP
By: /s/ Don J. Foty
14 Don J. Foty (admitted *pro hac vice*)
David W. Hodges (admitted *pro hac vice*)

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16 *Attorneys for Plaintiffs Heather Boone*
and Roxanne Rivera

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18 GIBSON, DUNN & CRUTCHER LLP
By: /s/ Bradley J. Hamburger
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Katherine V.A. Smith
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Andrew G.I. Kilberg (admitted *pro hac vice*)

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21 *Attorneys for Defendant Amazon.com Services LLC*

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ORDER

Pursuant to the stipulation, it is so ordered that the initial scheduling conference is continued to **January 24, 2023, at 8:30 AM before Magistrate Judge Barbara A. McAuliffe**. The Parties shall file a Joint Scheduling Report one week prior to the conference. Plaintiffs' deadline to file their opposition to Defendant's Motion for Certification of Interlocutory Appeal is continued to January 27, 2023. Defendant's deadline to file its reply in support of its Motion for Certification of Interlocutory Appeal is continued to February 10, 2023. All other motion and formal discovery deadlines, including the deadline to serve initial disclosures, are continued until after the initial scheduling conference on January 24, 2023, at 8:30 AM and shall be addressed in the Parties' Joint Scheduling Report.

IT IS SO ORDERED.

Dated: August 25, 2022

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE